IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No.3004 of 2007
Date of decision: 13.03.2007.

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Maneet Pal Singh & another.

.... Petitioners

Versus

Baba Farid University of Health Sciences & others.

.... Respondents

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2. CWP No.3009 of 2007

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Harmeet Singh & others.

.... Petitioners

Versus

Baba Farid University of Health Sciences & others.

.... Respondents

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3. CWP No.3078 of 2007

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Harangad Singh & another.

.... Petitioners

Versus

Baba Farid University of Health Sciences & others.

.... Respondents

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CORAM: HON'BLE MR.JUSTICE JASBIR SINGH
HON'BLE MRS.JUSTICE NIRMAL YADAV

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Present:- Mr. H.S.Brar, Advocate, for the petitioners.
Mr. T.S.Dhindsa, Advocate, for the respondent.

Jasbir Singh, J. (Oral)

Vide this judgment, all the above mentioned three petitions are being disposed of together as the facts and questions of law involved, in all these cases, are the same. However, the facts are being taken from CWP No. 3004 of 2007, to dictate this order.

This petition has been filed with a prayer that a writ of mandamus be issued, directing the respondents to accept the examination forms of the petitioners so as to enable them to appear in annual examination of the 2nd professional B.D.S course, which is going to commence in May, 2007. It is an admitted fact that the petitioners got admission in the B.D.S course in the session 2005-2006. Examination of the first professional was conducted in the month of May/June, 2006. The result was declared on 28.8.2006. Petitioners have failed in more than one subject. In view of Regulation 4.2 B of the respondent-University they were not eligible to get admission in the 2nd professional. Subsequent thereto, they appeared in the supplementary examination held on 13.10.2006, result of which was declared on 30.10.2006. The petitioners passed the examination in the subject(s) in which they had already failed. Thereafter as per Regulations referred to above, they were given admission in the 2nd professional on 1.11.2006 and they are attending classes since then.

Counsel for the respondent-University states that as per the Regulations and Instructions issued by the Dental Council of India, a student to be eligible to appear in the 2nd professional, is supposed to undergo 240 days of study in the course. By referring to Annexure R-1/1 Mr. Dhindsa states that for the students who passed their examination on 28.8.2006 and entered in the 2nd professional on 1.9.2006, on completion of 240 days, their examination will be conducted in the month of May/June, 2007. So far as the petitioners are concerned, by that time, in view of the fact that they have not completed 240 days of study, it is not possible to allow them to set in the examination. They may appear in the month of

October/November, 2007, when supplementary examinations will be conducted for those students who may fail in some subjects, in the examination to be held in May/June, 2007.

We feel that so far the petitioners are concerned, their prayer to appear in examination going to be conducted in the month of June/July, cannot be accepted as they have not completed 240 days of study. At the same time, the submission of learned counsel for the University that the petitioners may appear in the examination to be conducted in the month of October/November, 2007, is also not acceptable. In the 2nd professional, the petitioners were admitted on 1.11.2006, whereas the other students were admitted on 1.9.2006. At the maximum, their examination can be postponed for a period of two months only, so that they can complete 240 days of study, as is necessary, as per the instructions issued by the Dental Council of India.

In view of the facts mentioned above, we dispose of these writ petitions with a direction to the respondent-University to conduct annual examination for the 2nd professional, for the petitioners and other similarly situated students in the month of July, 2007, or at the most in the first fort-night of August, 2007.

(Jasbir Singh)
JUDGE

(Nirmal Yadav)
JUDGE

March 13, 2007
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